

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: DECEMBER 5, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SDR-24986 - APPLICANT/OWNER: API NEVADA PROPERTIES, INC.**

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**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (4-2/rt/sd vote) recommends APPROVAL, subject to:

**Planning and Development**

1. Conformance to the conditions for Site Development Plan Review (SDR-13532), except as amended herein.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 10/04/07, except as amended by conditions herein.
4. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
5. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
6. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
9. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

12. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All new improvements shall be constructed to the Downtown Centennial Plan Standards, unless specifically allowed otherwise through waivers approved by City Council.
13. A Traffic Queuing Analysis or other information acceptable to the City Traffic Engineer must be submitted to and approved by the Department of Public Works prior to issuance of any building or grading permits. In addition, provide turning templates showing expected vehicle maneuvering into and out of this site.
14. If the entry gates proposed are to be electrically opened and closed, the gates may be placed immediately behind the street right-of-way line (i.e., on the private property side of where the sidewalk is located). If the entry gate is to be manually opened and closed, the gates shall be set back a sufficient distance (a minimum of 18 feet) to allow a vehicle to pull completely out of the public street right-of-way before parking to manually operate the gate; alternatively the gates shall remain open during regular business hours. The installation of either swing gates or rolling gates is acceptable as long as no part of the gates, either in the opened or closed position, intrude into the public right-of-way.
15. Landscape and maintain all unimproved rights-of-way, if any, adjacent to this site. All landscaping and private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

16. Submit an Encroachment Agreement for all landscaping and private improvements, if any, located within the public rights-of-way adjacent to this site prior to the issuance of any permits.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for an amended Site Development Plan Review for a reduction of the approved parking to allow for a plaza on 0.48 acres at 233 South 4<sup>th</sup> Street. The applicant has indicated that this amendment is necessary due to a reduction of the lot area that made the previous parking layout untenable and their wish to now provide an outdoor gathering area for their customers.

Staff does not support this amendment as it constitutes a reduction of on-site parking (only three disability accessible spaces provided) which could negatively impact the available parking resources within the area. A different site layout could allow for additional parking spaces while accommodating the site area reduction and maintaining the intent of the Downtown Centennial Plan.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
05/29/53	The City Council approved the commercial zoning for the property.
06/22/06	Staff administratively approved a Site Development Plan Review (SDR-13532) to allow improvements to an existing building at 233 South 4 <sup>th</sup> Street.
11/08/07	<a href="#">The Planning Commission voted 4-2/rt/sd to recommend APPROVAL (PC Agenda Item #29/rts).</a>
<b><i>Related Building Permits/Business Licenses</i></b>	
10/25/06	A building permit application, plan check C-0413-06, was submitted for the site. This was for a Tenant Improvement Remodel of the 3 <sup>rd</sup> Floor for a Certificate of Occupancy within an existing commercial building. This application (0738659) was reviewed by the Planning and Development Department on 02/02/07, but has not been issued by the Building and Safety Department as of 10/17/07.
04/04/07	A building permit application, plan check C-0090-07, was submitted for the site. This was for a Structural Retrofit for a Certificate of Completion for an existing commercial building. This permit (07002183) was not reviewed by the Planning and Development Department and issued by the Building and Safety Department on 07/09/07. There have been multiple revisions reviewed by Building and Safety. This project has not been finaled as of 10/17/07.
<b><i>Pre-Application Meeting</i></b>	
10/02/07	A pre-application meeting was held and elements of this application were discussed. Site access and parking requirements, along with the application submittal requirements, were discussed.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required as part of this application request, nor was one held.	

\* There is no indication of a Planning Department review or approval of the license(s).

<b>Field Check</b>	
10/09/07	The Department of Planning and Development conducted a site visit that found that this is a developed site with significant remodel and structural improvements occurring within the existing building. There is still work to do in the parking area and tenant improvements to be performed within the building.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.48

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Commercial Building (Vacant)	C (Commercial)	C-2 (General Commercial)
North	Parking, Commercial	C (Commercial)	C-2 (General Commercial)
South	Government Facility	PF (Public Facilities)	C-V (Civic)
East	Financial Institution, General (with Drive-Through)	C (Commercial)	C-2 (General Commercial)
West	Office, Other Than Listed	C (Commercial)	C-2 (General Commercial)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>			
Downtown Centennial Plan	X		Y
Redevelopment Plan Area	X		Y
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
Downtown Overlay District	X		Y
A-O Airport Overlay District	X		Y
<b>Trails</b>		X	n/a
<b>Rural Preservation Overlay District</b>		X	n/a
<b>Development Impact Notification Assessment</b>		X	n/a
<b>Project of Regional Significance</b>		X	n/a

## DEVELOPMENT STANDARDS

Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The Centennial Plan addresses certain site development standards, which are detailed below:

***Pursuant to Title 19.04 and 19.10\*, the following parking standards apply:***

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Banquet Facility	9,167 SF	1 Space / 100 SF	88 Spaces	3 Spaces	0 Spaces	3 Spaces	N **
Office, Other Than Listed	17,384 SF	1 Space / 300 SF	55 Spaces	1 Spaces	0 Spaces	0 Spaces	N **
TOTAL (including handicap)	26,551 SF		150 Spaces		3 Spaces (Accessible Only)		

\* Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of standard parking requirements.

\*\* Staff does not find that the reduction of from the revised original approval (SDR-13532) of 17 total spaces to three accessible spaces and no standard spaces is appropriate for the size of the building and the scope of the proposed uses.

<b><i>Comparison of the parking area: Typical, Approved, and Proposed</i></b>			
	<b><i>Approved per SDR-13532 Dated 06/30/06</i></b>	<b><i>Approved per Revised Site Plan for SDR-13532 Dated 11/17/06</i></b>	<b><i>Proposed per this Amendment</i></b>
Total Parking Required *	147 Spaces (7 Accessible Spaces)	147 Spaces (7 Accessible Spaces)	150 Spaces (5 Accessible Spaces)
Total Parking Provided	28 Spaces (2 Accessible Spaces)	17 Spaces (1 Accessible Space)	3 Spaces (Accessible Only)
Amount (Percentage) of Reduction Approved/Proposed	119 Spaces less than Typical (80.95% Reduction)	130 Spaces less than Typical (88.43% Reduction)	147 Spaces less than Typical (98% Reduction)

\* Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of standard parking requirements. The requirement referred to is the typical Title 19.04 and Title 19.10 requirements for comparison purposes.

## ANALYSIS

The subject property is located within the boundaries of the Las Vegas Redevelopment District of the Southeast Sector Plan of the General Plan, and has a C (Commercial) land use designation. The C (Commercial) designation allows uses comparable to the following land use categories: O (Office), SC (Service Commercial), and GC (General Commercial). The proposed uses are in compliance with the land use designation. The parcel is zoned C-2 (General Commercial). The proposed uses are permissible in a C-2 (General Commercial) zoning district which is compatible with the C (Commercial) General Plan designation.

As previously noted, the parcel is within the boundaries of the Las Vegas Redevelopment Area, with a C (Commercial) land use designation. The proposed uses are in conformance with Redevelopment Plan policies that encourage innovative, mixed use projects in this area of the City. The proposed office and banquet meeting facility uses are consistent with the C (Commercial) designation.

The parcel is within the Las Vegas Downtown Centennial Plan boundaries, and is located in the Casino Center Core district. This district, which helped perpetuate an image, character, and history that are uniquely Las Vegas, is one of two anchors for the urban design framework embodied by the plan. Height, setback, parking requirements and other development regulations are not automatically applied to properties within the Downtown Centennial Plan area; however, additional streetscape and architectural requirements are applicable. The proposed project is generally consistent with the goals and objectives of the Downtown Centennial Plan.

The original Site Development Plan Review (SDR-13532) approved site improvements and remodeling which included the addition of an elevator on the northeast corner of the structure and a new canopy on the north side of the building. The parking lot was to be reconfigured to include an area for shuttle bus drop-off. New signage was also indicated to accompany the project with a wall sign on the Bridger Avenue frontage and a projecting sign on the Fourth Street frontage. There is an existing site condition that all signage must meet the applicable sections of Title 19.14 and any projections into the right-of-way must have an encroachment agreement approved by Public Works.

The applicant proposes to amend the approved revised site plan by adjusting the parking area layout, reducing the number of drive aisles and parking spaces and moving the drop-off/loading area to accommodate a property line adjustment and the inclusion of an exterior plaza space. There has been no change proposed to the approved revised building elevation or floor plans. Various waivers and conditions were approved to address the problematic streetscape situation due to the limited right-of-way that is available. Specifically, there is only room for a ten foot sidewalk along Bridger Avenue with no amenity area, while the Fourth Street frontage is larger with a 20-foot wide section of sidewalk with room for the required trees and grates. A parking lot screening fence was identified to be installed along the Fourth Street frontage to screen the parking lot. The plaza area is now proposed at this location and landscaping backed by a fence is proposed to screen this area from the sidewalk.

This project does not meet Title 19.04 and 19.10 parking standards. However, these standards are not automatically applied to projects within the Downtown Centennial Plan overlay. Typically, the fact that this is an adaptive re-use of an existing building and that applicant anticipates the vast majority of clients will be arriving via shuttle bus would mitigate the lack of provided on-site parking. However, the reduction of the available on-site parking from 16 to zero standard spaces will mean that, except for up to three properly placarded vehicles, that all employees, service/delivery personnel, clients, and visitors to this site must either be dropped off (transit, taxi, shuttle service, etc.) or find parking elsewhere in the area. The applicant has identified commercial parking locations in the general area where private agreements have been made that the applicant indicates will offset the lack of on-site parking.

- **Site Plan**

The proposed amendment reduces the on-site parking from the 17 spaces provided as depicted on the approved site plan to only three, disability accessible only spaces. This change is to accommodate a reduction in the lot area due to an updated property line survey and the applicant's preference to include an outdoor plaza space to use in conjunction with the anticipated banquet (conference/meeting) facility. Other than this adjustment and the subsequent decrease in the on-site parking the site plan is substantially the same as what was approved originally.

Screening of the proposed plaza will be achieved using additional landscape screening material, including three changeable planters and dense tree planting forward of a screening fence. The site access will be restricted using pedestrian and vehicle entry/security gates at the Fourth Street ingress and alleyway egress. The new shuttle drop-off/loading area is along the east side of the proposed plaza area where the approved site plan indicated the location to be along the north side of the building. Based on the new site circulation the shuttle services will enter the site from Fourth Street and exit through the alleyway, which is the reverse of the previous circulation pattern.

The proposed major amendment is in conformance with the site's general plan designation, zoning district and generally meets the standards and objectives of the Downtown Centennial Plan. However, the reduction of the on-site parking from the prior approved 17 spaces to three, disability accessible only spaces is not compatible with the existing and future commercial and civic developments in the area. The proposed plaza occupies area that was previously allocated towards the already significantly reduced parking area and together with the reconfigured drive aisle and accessible parking spaces forces virtually all those accessing the site to either be pedestrians, drop-offs, or find parking elsewhere and does not provide for any spaces for employees or service vehicles. While it is acknowledged that the adjustment of the property line necessitated a reconfiguration of the site and possible reduction in the provided number of on-site standard parking spaces, there remains sufficient area without the new proposed plaza to provide some non-accessible, on-site parking. For this reason, staff is recommending denial of this amendment request.



## FINDINGS

The following findings must be made for an SDR:

- 1. The proposed development is compatible with adjacent development and development in the area;**

The building is an existing commercial office building and is compatible with the commercial office activities adjacent to it; however, the reduction of on-site parking to only three disability accessible spaces, places the site's parking demand on the areas parking resources and that is not compatible with development in the area.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development is consistent with the General Plan and Title 19, except where addressed. This project is generally consistent with the goals and objectives of the Downtown Centennial Plan.

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

The parking lot / shuttle drop-off area has ingress from off of Fourth Street and egress via an alley off of Bridger Avenue. Both streets have the capacity to meet the additional traffic generated by this project.

- 4. Building and landscape materials are appropriate for the area and for the City;**

The materials indicated for the exterior plaza, parking area, and landscape planters are appropriate for this downtown site and the City.

- 5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The building elevations were evaluated as a part of the original Site Development Plan Review (SDR-13532) and were found to create an orderly and aesthetically pleasing environment and to be harmonious and compatible with development in the area. This is accomplished by adding mechanical element screening and accent lighting to soften the appearance of the building at night. No new elevations were evaluated as a part of this review.

- 6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

This project will be subject to regular business licensing and necessary building inspections and appropriate measures will be taken to protect public health, safety and general welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 17

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 103 by Planning Department

**APPROVALS** 1

**PROTESTS** 0